

ATTORNEY DOCKET No. 24730-500C
DIVISIONAL OF U.S.S.N. 08/700,565
GRUENBERG
PRELIMINARY AMENDMENT

REMARKS

Any fees that may be due in connection with the filing of this application may be charged to Deposit Account No. 08-1641.

The specification as filed has been updated to reflect the status of priority and related applications. The date of filing of the parent application has been corrected from "July 25, 1996" to "July 26, 1996". Accordingly, no new matter is introduced.

Claims 36-40 and 154-157 are presently pending in this application. Claims 36-40 have been amended to more particularly point out and distinctly claim the subject matter that applicant regards as the invention. The amendments and new claims are designed to conform to a Restriction Requirement set forth in the parent application U.S. application Serial No. 08/566,847. For example, amendment of claim 36 to recite ". . . to induce activation", and ". . . inducing cell proliferation" finds basis throughout the specification, for example, page 13, line 2 ("expanding the cells by appropriate **activation**"), and page 17, lines 3-4 ("**activating** proteins are molecules . . . that cause cells to **proliferate**") and page 33, lines 6 ("**proliferation** of such **activated** T cells"). Hence no new matter has been added. It is also noted that none of the amendments herein are designed to avoid any art that is of record nor to limit the scope of the claims.

REQUIREMENT FOR RESTRICTION

In Serial No. 08/566,847, from which the above-captioned application claims priority, the claims are restricted into the following groups:

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| Group I | : | Claims 1-17 and 22-35 drawn to methods for making immune cells; |
| Group II | : | Claims 36-41 drawn to a method of making virally purged CD4+ cells; |
| Group III | : | Claims 42-45, 55-67, 72 and 147-152 drawn to cell compositions; and |

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Group IV : Claims 18-21, 46-54, 68-71, 73-146 and 153 drawn
to methods of treatment.


The pending claims of the above-captioned application are all directed to a method of making virally purged CD4+ cells and, therefore, fall within Group II. It is noted that claim 41, which is listed in Group II, depends and further limits claim 1, which is included with the claims of Group I. Claim 41, therefore, properly belongs to Group I. Accordingly, Applicant has cancelled claim 41 herein. Applicant reserves the right to pursue the subject matter of the cancelled claims in other continuation or divisional applications claiming priority to the parent application.

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In view of the above amendments and remarks, consideration and allowance of the application are respectfully requested.

Respectfully submitted,
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